

United States District Court

**EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

RICHARD W. WEYEND

V.

THE HUBMAN FOUNDATION, ET AL.

§
§
§
§
§

**CASE NO. 4:064CV343
(Judge Schneider/Judge Bush)**

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the Report of the United States Magistrate Judge in this action, this matter having been heretofore referred to United States Magistrate Judge Don D. Bush pursuant to 28 U.S.C. § 636. On November 6, 2006, the Report of the Magistrate Judge was entered containing his proposed findings of fact and recommendations that the Defendants' Motion to Dismiss pursuant to FED. R. CIV. P. Rule 12(b)(5) be GRANTED and that the Defendants are dismissed without prejudice.

The Court, having made a *de novo* review of the objections raised by the Defendants, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of the Defendants are without merit. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court.

It is therefore,

ORDERED that the Magistrate Judge's Report is **ADOPTED** as the opinion of the Court.

It is further

ORDERED that Defendants Great Eastern Securities, Inc. and Napis, Inc. are **DISMISSED** pursuant to FED. R. CIV. P. Rule 12(b)(5) **WITHOUT** prejudice.

SIGNED this 7th day of December, 2006.

A handwritten signature in black ink, reading "Michael H. Schneider", written over a horizontal line.

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE